

ORDINANCE NO. 04-\_\_

AN ORDINANCE AMENDING CHAPTER 10, SECTIONS 10-98 AND 10-140 LEON COUNTY CODE OF LAWS TO RECLASSIFY VESTED RIGHTS FOR CONCURRENCY PURPOSES TO ONLY APPLY TO NON-RESIDENTIAL VESTED PROPERTIES AND PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

**SECTION 1.** Chapter 10, Section 10-98 is hereby amended to provide as follows:

The following categories shall be presumptively vested for the purposes of consistency with the comprehensive plan and shall not be required to file an application to preserve their vested rights status:

- (1) All ~~non-residential~~ lots within a subdivision recorded as of July 16, 1990, or lots in approved unrecorded subdivisions for which streets, stormwater management facilities, utilities, and other infrastructure required for the development have been completed as of July 16, 1990. ~~The planning department~~ Leon County Growth and Environmental Management shall maintain a listing of such exempt subdivisions.
- (5) Non-residential lots that have a valid vesting certificate and developments that are statutorily vested in Article V of the Leon County Land Development Code or the Tallahassee/Leon County Comprehensive Plan.

**SECTION 2.** Chapter 10, Section 140 is hereby amended to provide as follows:

(d) Approved plans of development exempt from, or determined to be vested from, the comprehensive plan by the county pursuant to applicable ordinances shall not be subject to concurrency requirements unless the exemption or vesting has been eliminated, waived, expired or withdrawn pursuant to law. The concurrency facilities capacity for plans of development exempt from, or determined to be vested from, the comprehensive plan shall be reserved in accordance with the following methodology:

- (1) ~~If an exempt residential subdivision has over 80 percent of its lots developed, then staff will consider the subdivision "built-out" and will not reserve phantom trips for that subdivision in the concurrency management system. Those trips will be accounted for in the normal traffic stream over time if and when the remaining residential building permits are approved. The remaining exempt residential subdivisions~~

~~that do not fall in the category as outlined above will be phased into the county's concurrency management system through an estimated absorption rate of five percent per year over a 20-year period. Under this methodology, each year a capacity reservation will occur for a percentage of phantom trips. When a vested project starts to obtain permits, the number of trips permitted will be subtracted from the total amount of trips that were considered to be vested, and transferred to a committed trips status accordingly. The percentage of capacity reservation associated with the vested project will be reevaluated consistent with the specifics of each final development order issued by the county for a component of a vested project.~~

**SECTION 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

**SECTION 4.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.** The effective date of this ordinance is January 1, 2005.

**DULY PASSED AND ADOPTED BY** the Board of County Commissioners of Leon County Florida, this \_\_\_\_ day of \_\_\_\_\_ 2004.

**LEON COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Jane G. Sauls, Chairman**  
**Board of County Commissioners**

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT

By: \_\_\_\_\_  
Clerk

APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
HERBERT W. A. THIELE  
COUNTY ATTORNEY